

THE WHITE HOUSE
WASHINGTON

9-3616

May 17, 1957

TO: SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE DIRECTOR, OFFICE OF DEFENSE MOBILIZATION
THE CHAIRMAN, NATIONAL COMMUNICATIONS COMMISSION
THE AGENT OF THE CENTRAL INTELLIGENCE
THE CHAIRMAN, INTERAGENCY INTELLIGENCE CONFERENCE

FROM: International Diplomatic Communications (Proposed
Legislation to Permit Reciprocal Radio Agreements)

The Acting Secretary of State, pursuant to the
instruction of the Bureau of the Budget, has referred to this office
a proposal for amending the Communications Act of 1934 so as to
permit the U. S. Government to negotiate reciprocal agreements,
where appropriate, for the installation of radio transmitters in
selected foreign diplomatic missions.

The departments and agencies concerned have expressed
their views concerning the proposed legislative amendment. For your
consideration these views, as well as other pertinent information
relating to the subject, are summarized in the enclosure to this
memorandum.

In keeping with the request of the Department of
State that the subject be afforded expeditious consideration,
I am seeking time on the President's calendar in order that the
addressees of this memorandum may meet with the President to present
their views on the subject. I shall advise you as to the time
selected by the President for your discussion of the matter with
him.

OSD review completed.

DOJ Review Completed.

NSC REVIEW COMPLETED

Rutherford
R. Rutherford
Special Assistant
to the President

cc: Director, Bureau of the Budget

State Dept. review completed

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Subject: International Diplomatic Communications
(Proposed Legislation to Permit Reciprocal
Radio Agreements)

Background

1. On October 17, 1956, the Department of State asked the Bureau of the Budget to initiate legislation to amend the Communications Act of 1934. Under the proposed amendment, the President would be empowered to authorize a foreign government to construct and operate a low-power radio station at its Embassy or Legation in Washington, D.C., for the transmission of messages to specified points outside the United States, in conformance with rules and regulations of the FCC. Such authorization would be granted under terms and conditions prescribed by the President, upon his determination that (a) the authorization would be consistent with the national interest of the U.S., and (b) the foreign government has provided substantial reciprocal privileges to the U.S. for the operation of radio stations in territories within the jurisdiction of the foreign government. (NOTE: As now worded, the Communications Act provides that a radio station license shall not be granted to or held by an alien, a foreign government, or any representative thereof).

2. Budget subsequently obtained the views of interested agencies, namely: Defense and Justice (FBI) object, FCC has no objection, and CIA gives its unqualified support to the State proposal. Having received these differing agency views, Budget suggested that State consider referring the matter to the NSC. Thereupon, Under Secretary Herter inquired as to whether NSC concurrence on the proposed legislative amendment might be obtained before the close of the present Session of Congress, or whether some more expeditious means might be found to resolve the interagency differences.

3. Instead of bringing this rather specialized problem before the Council for consideration, an opportunity is being provided for a presentation of views to the President by the Secretaries of State and Defense, the Attorney General (including the Director, FBI), the Director of ODM, the DCI, and the Chairman of FCC.

State Department Proposal

4. In support of its proposal to amend the Communications Act, State has made the following points:

(1) The State Department maintains radio transmitters and receivers in many of its missions, because international telegraph facilities in many countries are inadequate, undependable, and subject to interruption in times of political disturbance when timely reporting to the Department is most essential.

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(2) In many instances, State has had to rely solely on its radio equipment to maintain contact with its missions (e.g., during the recent uprisings in Hungary, and during the Suez incident).

(3) State is precluded from operating radio equipment in many posts where such facilities are considered necessary, and operates such equipment on a most unsatisfactory basis at other posts, all because our present statute will not permit the offering of reciprocal privileges to the foreign governments involved.

(4) If the legislation were obtained, State feels that its implementation would involve the following considerations:

a. It is estimated that not more than 10 or 15 countries would exercise their right to install radio stations in Washington, under the proposed bilateral agreements.

b. The U.S. would not seek agreements with Western European countries, other than for operation in cases of extreme emergency, inasmuch as State utilizes leased commercial channels for communicating with missions in that area.

c. Under the proposed reciprocal agreements, the privileges granted to foreign countries would be subject to certain limitations: (1) transmitters and antennas could be installed only at the chancery or residence in Washington, D.C., (2) power would be limited to 100 watts (the capacity of most U.S. transmitters now in use abroad), although use of 400 watt power would be permitted in "extenuating circumstances", (3) transmission would be on a single channel, in Morse Code, with the understanding that a single Radio Teletype channel might be authorized, (4) foreign government stations in the U.S. would be required to observe CONELRAD procedures designed to prevent enemy bombers from "homing in" on U.S. targets, (5) each foreign government would have to find its own frequency, to be approved by State in consultation with FCC, (6) use of the frequencies must not interfere with U.S. radio users.

(5) Any notifications of frequency usages to the International Frequency Registration Board would be made by the U.S. rather than by the foreign government operating a radio station in Washington, D.C.

5. State would expect the FCC to extend its monitoring activities to cover the radio operations of foreign embassies or Legations to whom the privilege of operating transmitters is granted.

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CIA Views

6. The DCI, in a letter to the Director of the Budget on December 22, 1956, stated that CIA is vitally interested in the proposed legislation and that its enactment is important to the national interest, for the following reasons:

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(3) Few foreign countries would take advantage of reciprocal privileges offered by the U.S., due to the expense and due to their lack of facilities to operate under the 100 watt limitation.

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FCC Views

7. FCC does not object to the proposal, as reflected in the Commissioners letter to Budget on May 1, 1957.

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Justice Views

8. As reflected in the letter of Deputy Attorney General Rogers to Budget on January 9, 1957, Justice does not concur in the State proposal for amended legislation, in the absence of overriding national considerations, because:

(1) The installation of radio stations in Washington, D.C., by foreign governments would afford them a potential for intelligence and counterintelligence operations, and the use of such stations as homing devices.

(2) Such radio installations would work to the great disadvantage of the U.S. and would add considerably to internal security problems already facing our domestic intelligence agencies.

(3) Foreign intelligence communications to and from the U.S. would be expedited, and foreign intelligence operations within the U.S. would be made more effective, thus substantially impairing our internal security.

Defense Views

9. In letter of January 7, 1957, to Budget from the Director, Legislative Program, Department of Defense, it was stated that Defense opposed the proposed legislation for the following reasons:

(1) There would be requirements for additional frequency allocations in portions of the radio spectrum already saturated.

(2) Since the President cannot preempt commercial frequencies in peacetime, any significant use of frequencies by foreign radio stations in the U.S. would compound the interference problems which already exist, and could result in a reduction of military frequency allocations which would be decidedly detrimental to the capabilities of the Military Departments.

(3) The establishment of a network of U.S. stations in our Embassies in foreign countries would generate an increased volume of traffic between our Embassies and the U.S., and if the services of military relay stations were required the increased burden would result in the delay of important military messages.

(4) Radio transmissions emanating from foreign Embassies in the U.S. could, during an emergency, render ineffective the control of electromagnetic radiations (CONEIRAD) which is so necessary to continental defense of the U.S.

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(5) If the U.S. permits the establishment of even one foreign radio station in this country, this will lead to pressure by other foreign governments for equivalent treatment.

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(6) U.S. Military Departments already operate radio stations in a number of countries, such as [redacted] and the extension of reciprocal privileges to those countries is effectively avoided under the prohibitions presently provided in the Communications Act. An amendment of the Act as proposed by State would remove any basis for denying reciprocal privileges to such countries, and U.S. frequency usage would be seriously jeopardized. Furthermore, in future negotiations for U.S. military communications base rights in foreign countries, the granting of reciprocal rights to them could not be avoided.

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IIC Views

10. In a letter dated October 21, 1955, to the Chairman of ICIS, the Chairman of the IIC (Mr. J. Edgar Hoover) set forth the IIC conclusion that substantial impairment to our internal security could result from permitting foreign radio operations in the U.S., and the IIC was therefore opposed to the establishment of reciprocal radio agreements with foreign governments.

Summary

11. For the proposal: State, CIA, FCC

Against the proposal: Justice, Defense and IIC

Views not obtained from: ODM (telecommunications adviser to the President)

Principal issue: whether the U.S. need for peacetime and emergency radio stations in its diplomatic missions outweighs the hazards to our continental defense and internal security presented by the presence in the U.S. of foreign diplomatic radio stations.